

COMMONWEALTH OF VIRGINIA
THE VIRGINIA HUMAN RIGHTS COUNCIL
AND
U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PUBLIC HEARING
STAUNTON, VIRGINIA

MARCH 28, 2008
6:30 P. M. - 7:20 P. M.
JON STROTHER, CHAIRMAN

REPORTED BY: Caroline Lane, Court Reporter

A P P E A R A N C E S

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DAVID DRASCHLER, VICE CHAIRMAN
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DYANA MASON
DONALD O. CAMPEN, JR.
MARY STUDEVANT
MARILYN BOOKER
SANDRA NORMAN
GUY HORSLEY

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P R O C E E D I N G S

MR. STROTHER: Good evening everyone. My name is Jon Strother. And I am honored to be serving as the Chairman of the State's Human Rights Council.

And on behalf of the Equal Employment Opportunity Commission and members and staff of the Council, I want to welcome you tonight's forum.

I want to express our appreciation to the City of Staunton, for allowing us to use this facility, and I want to express our appreciation for the assistance we received from all of the people who made it possible to have this forum and among those is Ms. Newman, Thelma Newman, who was a great help in putting this thing together.

I am not aware of any city officials who are here right now.

MS. BOOKER: The City Attorney is here.

MR. STROTHER: City Attorney?

Stand and be recognized.

Your name, please.

MR. GUYNN: Welcome to Staunton.

MR. STROTHER: I don't have your name.

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MR. GUYNN: Douglas Guynn.

MR. STROTHER: Douglas Guynn. Welcome. Welcome.

Now, I would like to introduce the EEOC representative, Ms. Marilyn Booker, and she is going to have a few words for you.

MS. BOOKER: Good afternoon, everyone.

I would like to echo Mr. Strother's comments of the invitation to be here this evening.

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Equal Employment Opportunity Commission handles all of the federal anti-discrimination employment laws that prohibit employment discrimination based on race, color, religion, age, disability, gender and national origin.

There are two offices in the state of Virginia. One is in Norfolk and one is in Richmond, Virginia.

We fall under the Charlotte, North Carolina district that is headed by Reuben Daniels.

The Charlotte district has a working agreement with the Virginia Human Rights Council, which is headed by Ms. Norman. I'm sure she will have some comments this

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afternoon.

But because of this partnership, that is one of the reasons why we are here with the council this evening -- to listen to you.

And with that -- I think that's about it for my comments.

MR. STROTHER: Thank you.

I would also like to introduce Guy Horsley, who is the Council. He keeps us legal -- he tries to anyway.

And the Council members -- we have David Drachsler sitting to my left. He is the vice chairman.

Next to him is Donald Campen from Richmond. Next to him is Dyana Mason from Richmond.

To my right is Mary Studevart from Glen Allen, and Carolina is not here today.

Next is a staff person -- the director Sandra Norman, followed by --

THE REPORTER: I'm the stenographer, Caroline Lane.

MR. STROTHER: I think we have got everybody.

And then we have got staff members,

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sitting out there among you.

We have got Cora Billings who is the deputy director. We have got Tim Wilson here taking your names. We have got Cortley West who is the intake EEO manager. And Geraldo Williams, EEO manager and Hispanic liaison in case we need some translation here.

Before we get into the substance of tonight's meeting, I want to give you a little background regarding the Human Rights Council, and what it is authorized to do under Virginia law.

Twenty-one years ago, the General Assembly created the Human Rights Council, and gave it the authority to receive, investigate, and resolve allegations of unlawful discrimination occurring within Virginia.

Since 1987, the Human Rights Act has been amended so that the Council now is responsible

20 for investigating and resolving allegations of
21 discrimination based upon race, color,
22 religion, national origin, sex, pregnancy,
23 child birth or related medical conditions, age,
24 marital status, or disability, and in the areas
25 of public accommodations, employment,

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1 educational institutions and non-residential
2 real estate transactions.

3 The Act also gives the Council the
4 authority to make studies to advance the
5 purposes of the Act and to make the results
6 available to the public.

7 The purpose of this forum, is to invite
8 you, the citizens of Staunton and the
9 surrounding areas, the opportunity to express
10 your views on the current state of unlawful
11 discrimination in this region, if any, and its
12 impact on your lives and families in the
13 communities.

14 After this forum, the Council will draft
15 a report and present its findings and
16 recommendations, if any, to the governor.

17 The transcript of the statements made
18 during the forum and our report will be
19 available as a public record for future
20 reference.

21 We are not here in response to any
22 particular allegation or event.

23 We're not here to allege that anything
24 unlawful has occurred.

25 We are not here to question or challenge

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1 your comments or perceptions.

2 We are here to listen and learn what is
3 on the minds of the citizens regarding unlawful
4 discrimination, your experiences, your
5 recommendations for improvements, be it
6 legislation or other actions that would be
7 helpful.

8 Most often, the people directly involved
9 in situations have the best ideas about how to
10 correct a problem.

11 Tonight, we have come directly to you,
12 the people, to get your ideas.

13 We ask that each speaker be treated with
14 civility and that each speaker act with
15 civility. We also ask that speakers identify
16 themselves and tell us in what town, city or
17 county they live, and what organizations they
18 are associated with, if they are representing
19 an organization.

20 In order for each person who wants to
21 speak here to have an opportunity to speak, we
22 request that presentations be limited to no
23 more than five minutes.

24 In this case, we don't have a large crowd
25 here, so if we run over a little bit, that's

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1 not going to be a big deal.

minutes.txt

2 When your time has expired, speakers are
3 expected to conclude their remarks. Speakers
4 may provide full text of their comments to the
5 Council at the conclusion of their
6 presentations, or they may mail or e-mail the
7 text of their comments to the Council, and they
8 should arrive by Friday, the 11th of April.

9 After assessing the information provided,
10 the Council might need to contact the speaker
11 for clarification or additional information.

12 If you are willing to have such a
13 contact, please make sure that your contact
14 information is made available to our staff
15 person.

16 Speakers alleging specific acts of
17 unlawful discrimination, the Council staff
18 would be happy to accept your written complaint
19 and enter it into the complaint process and
20 procedure.

21 Contact a Council staff member to receive
22 a complaint form tonight.

23 And now for our first speaker -- Tim.

24 MR. WILSON: Mr. Chairman, our first
25 speaker for tonight will be Mr. J.K. Bailey.

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1 MR. STROTHER: Thank you. Mr. Bailey.

2 * * * * *

3 STATEMENT OF J. K. BAILEY

4 * * * * *

5 MR. BAILEY: Thank you. Good evening.
6 I'm going to be brief.

7 A year ago, I was a state employee. And
8 some incidents occurred where I followed normal
9 procedures, and the procedure -- the only times
10 I get back to tell me that I was out of
11 compliance.

12 I had an attorney and when I talked to
13 him about the situations, and I told him that
14 my immediate supervisor never talked to me, but
15 when he sent his brief to the warden, he stated
16 that he was scared to talk to me due to the
17 fact that I was going to retaliate.

18 And there also was comments made by the
19 warden stating that I was lazy and never would
20 come to work, but during the time -- every
21 leave that I ever had -- it was accounted for
22 because I was -- I am retired military, and if
23 I went away on military duty, I was in training
24 for the department, or I was on authorized
25 leave.

12

1 He never talked to me or briefed -- had
2 any discussions about me being late or anything
3 like that.

4 But so when he made this, I was kind of
5 shocked.

6 So I had -- you know, subpoenaed some
7 documents to be sent in one of my hearings.
8 They sent the wrong documents.

9 And when I notified Richmond -- the only
10 thing they could say is that they apologized to

11 me for management's error.
12 Now, if I did this to an offender, there
13 is a procedure we go by that they would have
14 threw the case out, but for a state employee --
15 how long do we have? What's the time limit to
16 report something when you have another
17 supervisor right there next to me?
18 And, you know, it has been devastating to
19 me and my family, you know. Because it is kind
20 of hard because when you know you didn't do
21 something, and then when you're accused of
22 something, and you try to prove yourself, it is
23 hard, because it seems like everybody just shut
24 the door and says: You did it.
25 And the only thing that really kept me

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1 abreast about it -- you know, I know you have
2 to let go.
3 All I basically want is my name to be
4 cleared, because if he is going to do all of
5 this, and I have documentations where errors
6 were made, and they recognize it, and there's
7 nothing to be done about.
8 And then you try to use the court system
9 and then the court system is more or less,
10 because a state agency -- you're nobody.
11 And I am sorry I have a bad taste, but
12 this is what I have to go through. And the
13 complaints that you make, and, you know, you
14 try to do the right thing. You try to bring
15 your family up right.
16 You know, when you serve your country and
17 then you come back, you get treated like this.
18 You know, when -- I know I go to work. He
19 knows I go to work.
20 But then when you state that I am lazy,
21 but you promote me and I am working over for
22 somebody, and you tell me that I didn't know
23 what I was doing -- that's an insult, you know.
24 And then you promote me.
25 And I am just looking for guidance on

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1 what to do to get my name back.
2 MS. NORMAN: Mr. Chairman, may I ask a
3 question?
4 MR. STROTHER: Go ahead.
5 MS. NORMAN: Mr. Bailey, How long has --
6 when did you file your complaint, and how long
7 has this been?
8 Has a determination been issued in your
9 complaint?
10 MR. BAILEY: Yes. This is over a year,
11 and I filed a complaint with the EEO out of
12 Richmond, back in November. In January, I
13 called and they said they tried to set up a
14 mediation -- a meeting up with the agency.
15 They refused. And then they turned it over
16 into an investigator.
17 And I haven't heard anything since then.
18 MS. NORMAN: So it is pending with the
19 EEOC now?

20 MR. BAILEY: The last I heard from
21 Richmond, ma'am, is that it is turned over to
22 an investigator. That is all I know.
23 MS. NORMAN: And that was in November of
24 2007?
25 MR. BAILEY: Yes, ma'am.

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1 MS. NORMAN: We will definitely follow up
2 with you, sir, and we'll get back in touch with
3 you on it.
4 MR. BAILEY: Thank you so much.
5 MS. BOOKER: I have one other question --
6 your matter was based on what -- you were
7 terminated because of --
8 MR. BAILEY: It is an allegation, and I
9 don't know want to say black versus white, but
10 you had three white officers who didn't like
11 the way that I did my job. And I had a black
12 female officer, that I had stopped to talk to,
13 and she had admitted that I was right there
14 talking to her. And then the warden, he stated
15 that she didn't know what she was talking
16 about.
17 And then the tapes from the hearing -- I
18 asked for them to be -- I subpoenaed them to
19 get them back and you can barely hear it.
20 MS. BOOKER: All right.
21 MR. BAILEY: But you can hear when he
22 stated that I was lazy and never came to work
23 and I admitted to him that I did these
24 allegations, but he don't have nothing written.
25 MS. BOOKER: I was just curious as to

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1 whether or not your concern was based on a
2 protected basis -- race, color, religion,
3 national origin -- and evidently it was.
4 MR. BAILEY: Yes, ma'am.
5 MS. BOOKER: If it has been accepted and
6 it was at least entertained for mediation, so
7 it was covered.
8 Okay.
9 MR. BAILEY: Yes, ma'am.
10 If you would like, I have a copy of the
11 paperwork that I had submitted to the EEO, if
12 you would like a copy.
13 MS. BOOKER: Okay. If you will -- here,
14 towards the end. Okay.
15 MR. BAILEY: Yes, ma'am.
16 MS. BOOKER: Thank you.
17 MR. CAMPEN: I'm not clear yet if anybody
18 said "EEOC."
19 Who is "they" that told you that the
20 record was destroyed?
21 MR. BAILEY: Sir?
22 MR. CAMPEN: Who is "they" that you said
23 told you that --
24 MR. BAILEY: It was a young lady out of
25 the Richmond office.

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1 MR. CAMPEN: Of what?

2 MR. BAILEY: The EEOC.
3 MR. CAMPEN: So it hasn't been filed with
4 the Council at all?
5 MS. NORMAN: He is a state employee. The
6 Human Rights Council is a state agency. We
7 have a work-share agreement with EEOC.
8 But as a state employee, if it came to
9 us, it would automatically be sent to the
10 Department of -- Office of Equal Employment
11 Services and the Department of Human Resource
12 Management as well as the EEOC Richmond office,
13 and that is where our work share agreement come
14 in, but no, sir -- we wouldn't have the
15 jurisdiction to do the investigation, but
16 Richmond does.
17 MS. BOOKER: And you're indicating that
18 the state agency told the EEOC, that they --
19 well, they apologized for sending the incorrect
20 information?
21 MR. BAILEY: No, ma'am. What they are
22 apologizing for -- Richmond -- is when my case
23 was presented to them. Mr. Horsley -- he was
24 at the last meeting that I had, and he was
25 aware of the fact that when I had subpoenaed

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1 the log sheet from my former employer, they
2 sent the wrong one.
3 MS. BOOKER: Okay. We will follow up.
4 MR. BAILEY: Thank you.
5 MR. HORSLEY: Mr. Bailey had a grievance
6 procedure, and I was representing the
7 Department of Corrections in that. It has
8 nothing to do with the EEOC.
9 As Sandy said, the Council does not
10 investigate state agencies because it is a
11 state agency. It goes right to EEOC.
12 MS. BOOKER: But from what I understand,
13 the matter is still pending with EEOC.
14 MR. BAILEY: Yes.
15 MS. BOOKER: It is a pending
16 investigation. We just did not take it to the
17 mediation process.
18 But you're curious in terms of the status
19 -- what is happening, and what you really want
20 is your name cleared?
21 MR. BAILEY: Yes, ma'am.
22 MS. BOOKER: Thank you.
23 MR. WILSON: Mr. Chairman, the next
24 speaker is Mr. Paul Anderson, a citizen of
25 Staunton.

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1 MR. STROTHER: Mr. Anderson.
2 * * * * *
3 STATEMENT OF PAUL ANDERSON
4 * * * * *
5 MR. ANDERSON: Thank you very much.
6 I am honored to be here this evening and
7 I am honored that you have come all the way to
8 Staunton.
9 I have a packet that I would like to
10 distribute to each member if that would be
Page 8

11 okay.

12 MS. MASON: Thank you.

13 MR. CAMPEN: Thank you.

14 MS. BOOKER: Thank you.

15 MS. NORMAN: Thank you.

16 MR. ANDERSON: Again, my name is Paul
17 Anderson, and I am a resident of the city of
18 Staunton.

19 There are a series of speakers that will
20 speak on possible discriminatory practices in
21 the area bordering the City of Staunton.

22 And so that we can geographically
23 identify that, I put a map up and colored Area
24 40 on the map right there.

25 The format is to provide case studies of

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1 issues concerning that particular area of
2 possible discrimination. The committee can
3 investigate and address the overall legislative
4 issues based on looking at the specific case
5 studies.

6 In 2001, the City of Staunton opted to
7 participate in the Virginia Uniform Building
8 Code, Part 3 of the Virginia Maintenance Code.

9 There was no resolution that was
10 sponsored by the city to participate in that.

11 In order to understand this -- attachment
12 Attachment Number 1 -- if you could just open
13 to Attachment Number 1. It is right after the
14 first blue page.

15 And you'll see where it's yellow.

16 And Part 1 contains the regulations
17 specific to the construction of new buildings.
18 Part 2 contains regulations in regards to
19 existing buildings. Part 3 of the USB contains
20 regulations for the maintenance of existing
21 structures, which is enforced at the option of
22 the local government.

23 I want to reference that because some of
24 the speakers will be talking about Part 3 of
25 the USB Code.

21

1 So that you have a copy of the code, I
2 will provide that for you.

3 The majority of the conversation will be
4 in regard to Part 3 of the Virginia Maintenance
5 Code, but I would like to give the chairman a
6 copy of the code.

7 The program design separates the City of
8 Staunton into 36 districts, as you can see from
9 the map.

10 A survey conducted by the City of
11 Staunton rates each area for maintenance
12 violations.

13 The survey reports determined that Area
14 40 has the highest rating -- that is the
15 colored area of the map.

16 Area 40 is predominantly a low income
17 mixed neighborhood. The area contains the
18 largest population of low income, Africa
19 Americans in the City of Staunton.

Historically, an African American community, complete with its own segregated high school, named Booker T. Washington. The City of Staunton Front Porch Program was developed to combine and coordinate through a uniform team, the city's commitment to

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addressing issues related to property maintenance to the Uniform State Building Code -- the statewide prevention code, and the City of Staunton zoning code, and other city nuisance regulations.

The inspection department is under the auspices of the planning department in this particular city.

And I will note -- and there is a copy of this in each one to verify each statement -- that is what the attachments are.

Because of limited staff, we evaluated all city neighborhoods and identified one with the most need -- which was District 40 -- where we should be proactive.

"Proactive" means actively pursuing all building violations, house by house or street by street.

The program also responds to all citizen complaints, investigations, and, if found valid, pursues the prescribed enforcement steps.

That is what is considered complaint driven -- complaint-driven program for areas 1 through 39.

23

The City of Staunton is clear on how the program is administered. The program has been explained on many occasions to a variety of citizens groups.

There is a clear understanding that Area 40 is administered proactively, and areas 1 through 39 is administered on a complaint driven basis for Part 3 of the Virginia Uniform State Building Code.

The owners of the property that are cited for violations are normally given between 30 to 90 days to comply with the order.

In Area 40, the financial resources of many of the homeowners make it impossible to comply with the enforcement order.

The issue before the Virginia Human Rights Council is not whether the City of Staunton does or does not implement the Virginia Uniform Maintenance Code differently.

The issue is that the city's policy is to implement the Virginia Uniform Code in a non-uniform manner.

It is simply a question of: Is it discriminatory to administer the Code of Virginia one way for one part of the city and a

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different way for another part of the city?

2 The City of Staunton's policy clearly
3 states that it has the right to isolate a
4 specific area to implement and enforce the
5 Virginia Uniform Building Code in a different
6 manner than other areas of the city.

7 The rationale that due to limited staff,
8 the city can only target and put resources into
9 a designated area, opens the door for all
10 government programs to justify their selective
11 implementation of all codes in an arbitrary
12 manner.

13 Every governmental agency and every
14 household in America has financial constraints.

15 This justification undermines the central
16 position that all men are created equal, and
17 that programs must be designed to insure fair
18 and consistent treatment.

19 Are all men created equal?

20 That is the fundamental question that is
21 before you.

22 MR. STROTHER: Mr. Anderson?

23 MR. ANDERSON: Yes.

24 MR. STROTHER: Your time has expired.

25 Could you wrap it up please?

25

1 MR. ANDERSON: Yes. I'll wrap it right
2 up.

3 Because of location and because of
4 circumstances, does that give the City of
5 Staunton permission to implement policies that
6 are different from the rest of the community?

7 In this situation, because it is a low
8 income mixed neighborhood, your decision is
9 deep and has watershed implications.

10 All parties are acutely aware of the
11 impact of your decision. If communities across
12 Virginia and across this nation can selectively
13 target certain areas for forced compliance with
14 the Uniform Building Code, there is no reason
15 to implement HUD block by block programs for
16 low income.

17 There's no need to comply with the
18 Redevelopment Project under Chapter 1 Article
19 7, Title 36 of the Code of Virginia or any
20 other similar housing rehabilitative
21 legislation.

22 MR. STROTHER: Thank you, Mr. Anderson.

23 I think we have a couple of questions for
24 you.

25 MR. DRACHSLER: Yes. Mr. Anderson, I

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1 hope it doesn't sound like we are giving the
2 same answer to every speaker who comes forward,
3 but I would like to call on Guy Horsley, our
4 counsel -- it's my understanding that the Human
5 Rights Council does not have any authority in
6 the housing area, that it is a separate state
7 agency that deals with housing discrimination,
8 and of course there is HUD -- the Department of
9 Housing and Urban Development in the federal
10 government.

11 MR. HORSLEY: That's correct, David.
12 There is a state agency that does do and has
13 enforcement authority with respect to housing
14 discrimination.
15 I am not sure right now in listening to
16 the speaker how that meshes.
17 I don't want to say that we don't have
18 any jurisdiction, but I would like a chance to
19 review what he says and look at the code.
20 MR. STROTHER: Can you submit something
21 in writing?
22 MR. HORSLEY: I have a copy of that.
23 MR. STROTHER: Sure.
24 MR. ANDERSON: We're talking about the
25 code of Virginia.

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1 MR. HORSLEY: If not, we could certainly
2 refer this to that agency which does have
3 specific enforcement authority, but I would
4 need some time to look at that and I would do
5 that.
6 MR. STROTHER: What state agency has this
7 been referred to so far?
8 MR. ANDERSON: This particular? None.
9 MR. STROTHER: Okay.
10 MR. ANDERSON: There has been some issues
11 in regard to an understanding of what is
12 entailed in the Front Porch program, but this
13 specific allegation, no, none.
14 MR. STROTHER: Mr. Campen, did you have a
15 question?
16 MR. CAMPEN: My question was: Has the
17 city taken any action different than what you
18 want?
19 I know that -- but I mean in the appeal
20 process to get something resolved, is there
21 something going on the City side as well as
22 what you say?
23 MR. ANDERSON: I think this is the first
24 time this issue has ever been raised in terms
25 of discriminatory practice, when you do one

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1 thing for one part of city and then you have
2 another administrative policy for another part
3 of the city.
4 MR. CAMPEN: Have you looked up
5 precedent? Has that occurred elsewhere?
6 MR. ANDERSON: To my knowledge, it has
7 not.
8 MS. NORMAN: Mr. Anderson, it is
9 definitely -- maybe not the Human Rights
10 Council, and I know not the EEOC, but whatever
11 decision that we make in terms of the agency,
12 the appropriate agency, we will definitely keep
13 in contact with you to let you know where it is
14 and what agency we would refer you to.
15 MR. ANDERSON: Thank you very much.
16 I know other speakers will be talking
17 about these related issues and maybe you can
18 give them an opportunity to speak, and then we
19 can work together on these.

20 MR. STROTHER: Make sure that we have
21 your contact information.
22 MR. ANDERSON: Yes.
23 MR. CAMPEN: Are you not aware of other
24 agencies to whom you can apply?
25 MR. ANDERSON: No.

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1 MS. NORMAN: And that's where we will
2 help you.

3 MR. STROTHER: The next speaker.

4 MR. WILSON: The next speaker is Mr.
5 Gerard Labrecque, a citizen of Staunton

6 * * * * *

7 STATEMENT OF GERARD LABRECQUE

8 * * * * *

9 MR. LABRECQUE: Good evening. My name is
10 Gerard Labrecque. I would like to hand out a
11 packet as well before I start.

12 I would like to cover a number of issues.
13 We have been to HUD on some items, and it has
14 been most disappointing.

15 I feel that this is -- anyway, Item
16 Number 1: We are requesting an investigation
17 by the Council on Human Rights concerning
18 purchases made by the Staunton Redevelopment
19 Housing Authority.

20 On March 17th, 2005, the City of Staunton
21 adopted a resolution -- and there are
22 attachments -- for filing an application for
23 community improvement grant funds for the
24 Virginia Small Cities Community Development
25 Block Grant Program.

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1 One component of the resolution states
2 that the City of Staunton and Redevelopment
3 Housing Authority acknowledges the provisions
4 of Chapter 1, Title 36, Article 7 of the Code
5 of Virginia and will adopt and implement a
6 conservation and redevelopment plan in
7 accordance with said code.

8 On November 2nd and 3rd, the Staunton --
9 of 2005 -- the Staunton Redevelopment Housing
10 Authority purchased properties at 15 Stafford
11 Street and 958 Anderson Street. It would make
12 sense that the related committees and city
13 employees invested much effort far in advance
14 of November.

15 On November 9th, 2006 -- I'm sorry -- the
16 purchases were November 2nd, and 3rd of 2006.

17 On November 9th of 2006, the City of
18 Staunton adopted a resolution approving a
19 redevelopment plan.

20 The resolution states that Section 36-51
21 of Title 36 of the Code of Virginia requires
22 the governing body of each municipality in
23 which any area to be covered by a redevelopment
24 plan is situated to approve the redevelopment
25 plan.

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1 On March 14th of 2007, the City of
Page 13

2 Staunton adopted a resolution reaffirming the
3 redevelopment plan. The resolution states:
4 Whereas the City Council has reviewed a final
5 version of a cooperative agreement to be
6 entered into by the City and the Staunton
7 Redevelopment Housing Authority as part of
8 implementing the redevelopment plan --
9 basically this resolution gave authority to the
10 Staunton Housing Authority to acquire property.

11 Section 36-51 -- Section 36-51.1 states
12 that "An authority shall not initiate any
13 conservation project under this law until the
14 governing body, be it City or County, having
15 the power granted it -- or of each city or
16 county having the power granted by 36-49.1, in
17 which are to be covered by such project is
18 situated has approved a conservation plan,
19 which provides an outline for the conservation,
20 development or redevelopment of the area.

21 In summary, the purchase of these two
22 properties on Stafford and Anderson Streets is
23 an integral component of the redevelopment
24 plan.

25 And the purchase of the properties prior

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1 to the authorization to acquire, may constitute
2 a direct violation of the Code of Virginia. We
3 ask the Human Rights Council to investigate the
4 legalities of these purchases.

5 Item number two --

6 MR. STROTHER: Before we go to Item
7 Number 2 --

8 MR. LABRECQUE: Yes, sir.

9 MR. STROTHER: I'm not quite clear about
10 what the allegation might be with regard to the
11 Human Rights Council's authority in this.

12 MR. LABRECQUE: Well, these issues are
13 all tied together. And I think that will
14 become clear as the next two presentations
15 come, but the problem with this is that they
16 didn't have legal authority to purchase these
17 properties, and they went ahead and purchased
18 them anyway.

19 MR. STROTHER: And how is that a
20 discriminatory act under the Human Rights Act?

21 MR. LABRECQUE: We are talking about a
22 historic black neighborhood. We are talking
23 about city dollars spent to purchase their
24 properties for purposes unknown, from a legal
25 standpoint. It's just a city taking property,

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1 in my opinion.

2 And given that this is a black
3 neighborhood for 200 years, I have a problem
4 with that, given that they had no legal
5 authority to make those purchases, I think
6 that's a problem.

7 At what point do you stand up and say:
8 You can't do that. That's against the law.

9 MR. STROTHER: Well let's hear the rest.

10 MR. LABRECQUE: You want me to go on?

11 MR. STROTHER: Please.
12 MR. LEBRECQUE: Item number two, request
13 investigation by Human Rights Council
14 concerning legality of conservation plan.
15 The Code of Virginia Chapter 1, Article
16 7, Title 36-49.1 states: Preparation and
17 adoption of conservation plan by cities,
18 counties and towns, authority to carry out
19 conservation projects, public hearing prior to
20 approval of plan.
21 No record is available that a public
22 hearing took place before the November 9th,
23 2006 adoption of the conservation project.
24 This indicates that individual citizens
25 -- for example, those in Area 40 -- are not

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1 able to participate in the development of the
2 plan. This may constitute a direction
3 violation of the Code of Virginia.
4 We ask the Human Rights Council to
5 investigation this matter.
6 MR. STROTHER: Go ahead.
7 MR. LEBRECQUE: Shall I continue?
8 MR. STROTHER: Please.
9 MR. LEBRECQUE: Item number three:
10 Request investigation by the Human Rights
11 Council concerning questionable practices
12 within the City of Staunton that directly
13 affects people's homes in Area 40.
14 It appears that 22 properties were sold
15 under coercive circumstances. One property
16 sale may have involved coercion through cash
17 payments to acquire title of a property.
18 C, legal process for sale of a property
19 sold for past real estate taxes appears to have
20 been manipulated.
21 D, it appears that there was a payment of
22 money by a city official to influence another
23 city official.
24 E, there may have been an attempt to
25 withhold information from property owners by

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1 the City of Staunton concerning properties that
2 the city planned to acquire and demolish.
3 Instead these property owners were
4 publicly invited to participate in a
5 rehabilitation program for their properties.
6 I am not familiar with all your workings,
7 but we chose, due to the sensitive nature of
8 three items, documentation testimony would be
9 relayed in a confidential setting.
10 All of these issues relate directly to a
11 class of people being removed from their homes.
12 MR. STROTHER: Again, I think I have to
13 say that I am not sure that we have any
14 authority to deal with that issue, but it is
15 something, I think, we can take a look at just
16 like with the previous speakers, and try to get
17 back to you with some kind of an explanation as
18 to where it should be handled or if we could
19 handle it.

20 You have given us a lot of information
21 and it is something new and different in terms
22 of the normal course of business that we get
23 involved in.

24 MR. LEBRECQUE: We truly appreciate any
25 help you can give us.

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1 MR. STROTHER: You're welcome.

2 MR. LEBRECQUE: Thank you.

3 MR. WILSON: Mr. Chairman, our next
4 speaker is Mr. Arin Sime, a citizen of Crozet.

5 * * * * *

6 STATEMENT OF ARIN SIME

7 * * * * *

8 MR. SIME: Good evening, Mr. Chairman,
9 Council members and others, distinguished
10 guests.

11 Thank you very much for your time this
12 evening.

13 I also do have a packet that I would like
14 to give you quickly.

15 MS. NORMAN: Is this the same context in
16 which our first speaker was speaking of
17 speaking of in Area 40?

18 MR. SIME: Yes.

19 MS. NORMAN: Is there any difference to
20 your comments than to what he has?

21 MR. SIME: There is some additional
22 information in this, and I will be brief in
23 here. There are appendices attached to this.
24 I am not going to read them in detail but they
25 are there for your reference.

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1 My name is Arin Sime, and as I stated, I
2 am a resident of Crozet in Albemarle County.
3 And again, I do appreciate your time.

4 I understand that there's some question
5 of jurisdiction with this, but I certainly
6 appreciate your time in hearing these concerns
7 and determining whether that does fall under
8 your purview or who it may.

9 On March 17th, 2005, the City of Staunton
10 adopted a resolution for filing an application
11 for community improvement grants -- grant
12 funds, through the Virginia Small Cities
13 Community Development Block Grant Program.

14 One component of the resolution states
15 that whereas five project area property owners
16 have expended \$222,424 since July 1, 2004 for
17 property improvements and five property owners
18 have submitted signed Letters of Intent and
19 commitments for \$245,000, in additional
20 building rehabilitation in attachment 1.

21 Included in the application is a summary
22 of the property owners that have incurred costs
23 for property improvements as well as a signed
24 statement, letter of commitment, to participate
25 in a program.

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West Beverley was one of the five property owners.

The City of Staunton signed in the Virginia Community Development Block Grant application the Local Innovation Program General Assurances and Certification -- attachment three -- the General Assurances and Certification certifies that the City of Staunton will comply with Title Six of the Civil Rights Act, which, quote, may not directly or through contractual or other arrangements utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or having the effect of defeating or substantially impairing accomplishment of the objectives of the program. End quote.

On April 7, 2005, one month after signing the General Assurances and Certifications, the City of Staunton cited the property at 803 West Beverley Street under the Virginia Uniform Building Code for maintenance violations.

To comply with the citations the mandated

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historic design guidelines and building permits, the owner of the property was forced to borrow in excess of \$70,000 to comply -- shown in attachment four.

The Comprehensive Community Project Housing Rehabilitation Program Design states that, quote, in order to meet historic design requirements and other historic design guidelines as applicable, the investor/owner will be responsible for providing any additional funds required to make up the deficit in the \$25,000 CDBG maximum assistance level, in the amount required to accept the lowest responsible bid.

The property owner will be required to provide such funds to the city for escrow prior to contract execution with the construction contract.

The amount of funds in escrow would reflect additional funds required to meet the lowest responsible bid, historic district requirements and other history design guidelines as applicable, and additional funds required for change orders as deemed appropriate by housing rehabilitation

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specialists.

Details on that are in attachment 5.

In summary, what this means -- this implies, in 2005, the City of Staunton applied for a Small Cities Block Grant.

A condition of the grant was that no person would be defeated or substantially impaired from participating in the program.

By mandating that this property comply with the Virginia Uniform Statewide Building

11 Code, it forced the owner to utilize the money
12 that was for participation in the program.
13 The purpose of a block grant is to
14 rehabilitate structures to comply with DHSCD
15 Section Eight standards.
16 The owner was discriminated against by
17 being forced to comply with Section 8 standards
18 prior to being able to participate in the grant
19 process.
20 And I believe that this is one of many of
21 the examples of individuals thwarted from
22 participation in the Community Development
23 Block grant.
24 And with that, I will conclude my
25 statement.

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1 MR. STROTHER: This individual was a
2 protected class?
3 MR. SIME: The individual referenced in
4 this is Paul Anderson, who was our first
5 speaker here, so not in a protected class, but
6 it is an example of the type of situation that
7 they allege has gone through in Area 40. And
8 one of the more prominent examples in the sense
9 that he was originally part of the grant that
10 was removed from the grant based on these
11 violations.
12 But there are other properties that they
13 can provide additional details on, but this is,
14 again, for the purposes of all these
15 presentations, trying to show that there is
16 information that makes it worthwhile for the
17 Council to investigate further.
18 MR. STROTHER: Thank you.
19 Any questions?
20 MR. CAMPEN: I have a question.
21 You are not personally affected in the
22 area?
23 MR. SIME: No, sir.
24 MR. CAMPEN: And your interests?
25 MR. SIME: No, sir. I do not have a

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1 direct interest in the area.
2 MR. CAMPEN: Are you an attorney
3 representing somebody?
4 MR. SIME: No, sir, I am not.
5 MR. CAMPEN: And the other gentleman --
6 Mr. Anderson -- he is in the affected area?
7 And Mr. LeBreque, you are in the affected area
8 too?
9 MR. STROTHER: Any other questions?
10 Comments?
11 MR. SIME: Thank you for your time. I
12 appreciate it.
13 MR. STROTHER: Next speaker?
14 MR. WILSON: Mr. Chairman, our next
15 speaker is Mr. Thomas Newman, a citizen of
16 Staunton.

* * * * *
18 STATEMENT OF THOMAS NEWMAN
19 * * * * *

20 MR. NEWMAN: Good evening. I am Thomas
21 Newman. I reside in Area 40.
22 I don't have anything to hand you-all.
23 You're probably glad to hear that.
24 What I do want to do is read you a letter
25 that was published in the Daily News Leader,

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1 which is the local newspaper here in the City
2 of Staunton, February the 8th of 2007.
3 It was a letter to editor. And the
4 newspaper titled it "Front Porch Program
5 employs coercion."
6 "As an observer of Staunton's politics, I
7 have become aware of the Front Porch program as
8 it pertains to building code violations."
9 "In dissecting the program, it is evident
10 that the City of Staunton has turned back the
11 clock, and put a new face on the prejudicial
12 and discriminatory atmospheres of the past."
13 "Building maintenance codes are
14 important, but it is the methodology and the
15 manner in which it is implemented."
16 "One characteristic of the program, is
17 the fact that individuals who complain about
18 others are permitted to be anonymous
19 complainants."
20 "There is a direct relationship between
21 secrecy that enables special interest groups to
22 pursue their ideologies."
23 "Even the local newspaper does not permit
24 anonymous editorial letters."
25 "The time frames established by the Front

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1 Porch Program for compliance -- 30, 60 and 90
2 days in most cases, are totally unrealistic.
3 Failure to comply is built into the program by
4 unrealistic time frames."
5 "Clearly documented in the citation
6 letters is the intimidating statements that
7 legal action will be taken if the compliant
8 time frame is not adhered to."
9 "Since the program is complaint driven,
10 but proactive driven for Area 40, it is un
11 uniform application. Those most likely to be
12 severely affected are individuals in the lower
13 income bracket."
14 "The tragedy is that lower income
15 individuals cannot defend themselves or comply
16 with unrealistic requests."
17 "The most egregious component is that the
18 program is being used by voracious individuals
19 for acquiring property. This is done by the
20 program forcing the so-called undesirable
21 homeowners to the buckle under pressure and
22 sell."
23 "As innocent as the program may seem,
24 negative program elicits negative behavior."
25 "The program acts as a catalyst for

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1 special interest groups, fosters hate, pits

neighbor against neighbor, and in some instances family against family and creates a suspicious atmosphere."

"The behavior of these people participating in the Front Porch Program as well as the city employees that enforce it and condone it can be equal to some of the antics of the Old South."

By Tom Morton, past president of the NAACP. He resides in Stuarts Draft.

MR. STROTHER: Thank you.

Any questions?

MS. NORMAN: Do you have a copy of that that you can leave for us?

Is that your only copy?

MR. NEWMAN: I scribbled over it.

MS. NORMAN: Well, let me just ask you: What date was it. We will be able to get a copy. What date was it printed?

MR. NEWMAN: February the 8th of 2007. I do have a copy here, but I have changed a few things. I can leave it.

MS. NORMAN: Yes, please do sir.

MR. NEWMAN: Okay.

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MS. NORMAN: Thank you. We appreciate it.

MR. STROTHER: Are there any other questions?

No other questions?

MR. NEWMAN: I would like to state I grew up on the west end of Staunton, and I bought my first property in Area 40. At that time, it wasn't called -- it was probably called Area 40. I did not know this. I was going to make it rental property.

I moved my family into it in December of 1991. We have resided there ever since.

Since that time, I have purchased four other pieces of property in that area.

And I can stand here and say that there is a matter that I personally would like looked into.

Originally, I had a property on Johnson Street that was in the grant area. My house and two houses -- one on either side of me.

At a council meeting in this very room -- after the regular meeting, an individual came up to me and said: Well, you know, they took our houses out of the grant area.

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And I looked at him because I didn't move my house. That grant area was moved around his and mine. He showed on the map, which is on that same pinboard that that poster is on.

I went home pretty upset about it. No one ever notified me -- the city or nothing. I was invited into the grant. I was never told that my house was taken out of the grant.

I made several phone calls the next day. I called the city planner. I believe she was

11 out of town. I think it was the following week
 12 when I finally got back in touch with her, and
 13 I ended up having to call Richmond and talk
 14 with a person who the city had hired to look
 15 over the grant area.
 16 And then I made four telephone calls to
 17 ask a question about the grant area being
 18 changed. I was under the impression, to start
 19 off with, that a meeting held -- management
 20 team meeting was open to anyone.
 21 However, I wasn't aware of that, and the
 22 day that I wanted to make my presentation or
 23 ask a question, I had made four telephone calls
 24 to this building at city hall to finally get
 25 permission to do so.

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1 And my question was -- well, word for
 2 word I was asking what criteria was used to
 3 change the area of the grant to what it was
 4 when it started, to what it is now, excluding
 5 my house my neighbor's.
 6 And one of the council members proceeded
 7 to explain to me that because of limited funds,
 8 they had to decrease the size of the area.
 9 Little did he know, that I had found out
 10 that they dropped my neighbor's house and my
 11 house, went across the street and picked up
 12 three more houses. So that didn't fly well.
 13 Then, I never got another answer for
 14 that.
 15 Then I came to the Council meeting, and
 16 at the very end of the Council meeting, there
 17 is an open forum type. I got up, gave my name
 18 and address, presented the exact same question,
 19 and our city mayor asked the city planner if
 20 she could answer that, and she could not. She
 21 just said she thought it was Richmond that had
 22 changed it. And this is it. That is all I
 23 ever got as an answer.
 24 So I would very much like to have that
 25 question posed I guess again and find out the

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1 true answer.
 2 MR. STROTHER: Well, again, that is
 3 something that we would have to look at and see
 4 if again we have authority in that area and if
 5 there's anything that we can do about it.
 6 MR. NEWMAN: Okay. Thank you very much.
 7 MR. WILSON: Mr. Chairman, I need to ask
 8 a question -- Ms. Suzanne Otto from Rockingham,
 9 did you want to speak?
 10 MS. OTTO: No.
 11 MR. WILSON: That concludes the persons
 12 that are registered to speak this afternoon.
 13 MR. STROTHER: Are there others who have
 14 not signed up who are willing to speak today?
 15 MS. NORMAN: Are there others who have
 16 some employment issues that our agency and the
 17 EEOC could assist you with, please feel to come
 18 up and let us know what is going on.
 19 If we can provide some assistance to you,

minutes.txt

we will be more than happy to do that.
If there is not an open forum that you
want, you can grab any of the staff members --
you can grab us. We will be more than happy to
talk to you one-on-one.

And Mr. Bailey, we are going to talk to

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you after.

MR. STROTHER: No takers? Last chance.

Okay. Well, that will conclude tonight's
hearing.

I see a hand in the back. No?

Okay. Thank you very much for coming.

(Proceedings concluded at 7:20 p.m.)

COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

I, Caroline Lane, Court Reporter, Notary
Public in and for the Commonwealth of Virginia at
Large, and whose commission expires February 28,
2011, do certify that the foregoing is a true,
correct, and full transcript of the testimony
adduced.

I further certify that I am neither
related to nor associated with any counsel or party
to this proceeding, nor otherwise interested in the
event thereof.

Given under my hand at Roanoke, Virginia,
this 20th day of April, 2008.

Caroline Lane, Notary Public
Commonwealth of Virginia at Large